

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

B. JEAN WEBB,

Plaintiff,

vs.

CITY OF REPUBLIC, MISSOURI,

Defendant.

No. 98-3306-CV-S-RGC-ECF

DEFENDANT'S MOTION TO DISMISS COMPLAINT
FOR LACK OF SUBJECT MATTER JURISDICTION
WITH SUGGESTIONS IN SUPPORT

Defendant, pursuant to Rule 12(b)(1) of the Fed. R. Civ. P., hereby moves this Honorable Court for an Order dismissing the Complaint and all amended Complaints in the above-captioned case and, in support of said Motion, would respectfully state unto this Court as follows:

Suggestions in Support

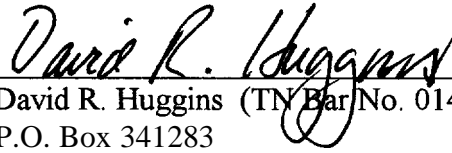
1. The Complaint in this case was filed on June 1, 1998.
2. Plaintiff has since relocated from Republic, Missouri and established residence in Springfield, Missouri.
3. Plaintiff is therefore no longer affected by the conduct of Defendant and has no continuing injury for which this Court can provide relief
4. Plaintiff no longer has a personal stake in the outcome of this case.
5. Plaintiff's claims have, therefore, become moot and this Court no longer has jurisdiction under Article III, § 2 of the United States Constitution to rule in this case. Lewis v. Continental Bank Corp., 494 U.S. 472 (1990).

WHEREFORE, Defendant respectfully moves this Court for an Order dismissing the Complaint and all amended Complaints in this case.

ORIGINAL

Respectfully submitted,

THE NATIONAL LEGAL FOUNDATION



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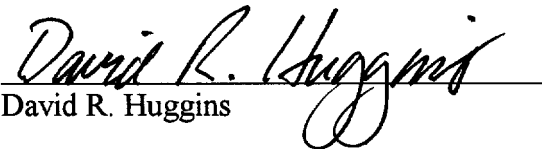
Republic, Missouri 65738

(417) 732-8800

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing on counsel for Plaintiff, Stephen Douglas Bonney, Esq., 215 West 18th Street, Kansas City, MO 64108, via U.S. Mail, postage prepaid, on this the 10TH day of February, 1999.



David R. Huggins